

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

**JOHNATHAN YASEVICH, et al.,
Each Individually and on Behalf
Of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 3:20-cv-19-KGB

**THE HERITAGE COMPANY, INC.
and SANDRA FRANECKE**

DEFENDANTS

**JOINT MOTION FOR DECERTIFICATION OF
COLLECTIVE AND RULE 23 CLASS**

Plaintiffs Johnathan Yasevich, et al., individually and on behalf of all others similarly situated, and Defendants The Heritage Company, Inc., and Sandra Franecke, by and through their respective undersigned counsel, submit the following Joint Motion for Rule 23 and Collective Action Decertification:

1. On February 28, 2020, the following Named Plaintiffs filed their First Amended and Substituted Complaint — Class and Collective Action: Jerol Amaya, Gabrielle Anderson, Livinus Azumara, Detrick Brown, Kathy Burdess, Ashley Byrd, Pamela Cannon, Marni Chagala, Roxanne Crowe, Ronald Denney, Ronnie Denney, Kailey Dickerson, Stephanie Dunbar, Megan Fisher, Paula Gammons, Amy Goodrum, Cedrick Gray, Monica Gurnsey, Jay Hayes, Katherine Hensley, Desaray Holmes, Alison Jackson, Laquisha Jackson, Christine Jones, Arnell Jones, Chastiee Jones, Danielle Lisko, Jennifer Long, Owen McMullen, Sierra Nelson, Stephen Parnell, Charles Perry, Laura Perry, Nicole Reid, Amber Rice, Lonna Rose, Brandy Smith, Daisy Steil, Joshua Stringer, Shelly Thomason, Krystal Todd, Larry Underwood, Sherry Weeks, Kiana Welch,

Channell Williams, Robert Wilmoth, Wallis Wilson, Jana Wood, Johnathan Woods, Rebekah Wyman, Jonathan Yasevich, Shynnah Zumudio, Kristin Costner, Sherri Denney, Adam Followell, Katrina Grimes, Danielle Gross, Heath Hatcher, Tehrell Jefferson, Aimee Milam, Tiauna Murphy, Charlotte Norman, Katie Reed, Kadi Stonecipher, Corey Throgmartin, Ruby Walton, Ashley Watts, Ashley West, Andrew West, Heather Whitener, Bertha Williams, and Lillian Wilson.

2. On February 12, 2021, this Court granted Plaintiffs' Motion for Rule 23 Class Certification. ECF No. 25.

3. On February 12, 2021, this Court granted in part Plaintiffs' Motion to Certify Collective Action and approved Plaintiffs' Notice, Consent, and Postcard documents. ECF No. 24.

4. In addition to Named Plaintiffs, three opt-in plaintiffs (Gary Dozier, Homer Coleman, Johnna Henderson) joined the case. ECF No. 6, 7, 11.

5. On October 18, 2021, the Parties filed a Joint Stipulation dismissing the claims of Plaintiffs Jessica Coffey, Homer Coleman, Sherri Denney, Danielle Gross, Heath Hatcher, Johnna Henderson, Christine Jones, Aimee Miliam, Tiauna Murphy, Charlotte Norman, Stephen Parnell, Kadi Stonecipher, Jefferson Tehrell, Corey Throgmartin, Ashley Watts, Heather Whitener, Bertha Williams, and Lillian Wilson without prejudice. ECF No. 29.

6. In total, this case currently consists of 57 plaintiffs.

7. The Parties have reached a settlement which implicates each Plaintiff in their individual capacity. The Parties agree that the opt-in plaintiffs can be joined as named plaintiffs, obviating the need for a collective or Rule 23 Class action.

8. In the interest of judicial economy, the Parties now request the Court to decertify the Rule 23 class and the conditionally certified collective action.

WHEREFORE, the Parties respectfully request that the Court enter an Order decertifying the collective action and the Rule 23 class.

Respectfully submitted,

**JOHNATHAN YASEVICH,
et al., PLAINTIFFS**

SANFORD LAW FIRM, PLLC
Kirkpatrick Plaza
10800 Financial Centre Pkwy, Suite 510
Little Rock, Arkansas 72211
Telephone: (501) 221-0088

Sean Short
Ark. Bar No. 2015079
sean@sanfordlawfirm.com

Josh Sanford
Ark. Bar No. 2001037
josh@sanfordlawfirm.com

and **THE HERITAGE COMPANY, INC., and
SANDRA FRANECKE, DEFENDANTS**

DAVIDSON LAW FIRM
724 Garland, Cantrell at State
P.O. Box 1300
Little Rock, Arkansas 72201
Telephone: (501) 320-5132

Charles Darwin "Skip" Davidson
Ark. Bar No. 73026
skipd@dlf-ar.com

/s/ Nickolas W. Dunn
Nickolas W. Dunn
Ark. Bar No. 2019115
nickd@dlf-ar.com